

PS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Lester Q. Jones,

Plaintiff,

-v-

19-CV-6037-FPG
ORDER

Nurse Joanna West, et al.,

Defendants.

Pro se Plaintiff, Lester Q. Jones, an inmate incarcerated at the Wende Correctional Facility, filed this action seeking relief under 42 U.S.C. § 1983. Plaintiff was granted permission to proceed *in forma pauperis*. ECF No. 7. Plaintiff's Amended Complaint was evaluated pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(a). ECF No. 14. Before the Court is Plaintiff's Motion for Appointment of Counsel. ECF No. 36.

In deciding whether to appoint counsel, the Court should first determine whether the indigent's position seems likely to be of substance, and if the claim meets this threshold requirement, the Court should then consider a number of other factors in making its determination. *Hodge v. Police Officers*, 802 F.2d 58, 61 (2d Cir. 1986). Service was recently ordered against Defendants C.O. Alexander Bognaski, Sergeant Zachary Meek, and Nurse Joanna West. ECF No. 35. The whereabouts of these Defendants was previously unknown, however, Assistant Attorney General Muditha Halliyadde indicated by letter dated November 2, 2021 that she had been able to establish contact with these Defendants and had been authorized to accept service on their behalf. ECF No. 32.


Summons were issued as to Defendants Bognaski, Meek, and West on December 8, 2021. Defendants have not yet responded to Plaintiff's Complaint, and the only facts upon which this Court may base its decision as to whether this lawsuit is of substance are those portions of Plaintiff's Complaint wherein he states the facts surrounding his claim. At this stage, the Court lacks sufficient information to consider the factors set forth in *Hodge*. Plaintiff's request for appointment of counsel is therefore denied without prejudice as premature.

ORDER

IT HEREBY IS ORDERED that Plaintiff's request for appointment of counsel is therefore denied without prejudice as premature.

SO ORDERED.

Dated: December 15, 2021
Rochester, New York



HON FRANK P. GERACI, JR.
District Judge
United States District Court